

REMARKS/ARGUMENTS

Claims 1, 2, 4-10, 12-22, 24-29, 34 and 36-47 remain in this application. Claims 3, 11, 23, 30-33 and 35 have been canceled, without prejudice to submitting in a continuing application. Claims 1, 2, 4-10, 12-15, 17, 19, 22, 27, 29, 34 and 36-39 have been amended to improve definiteness and remove the restriction requirement. Claims 40-47 have been added to more definitely describe the invention. Claims 9, 10, 12-16, 34, and 36-39 have been withdrawn, subject to reinstatement by the Examiner based on the amendments to claims 9 and 34.

The Examiner has issued an election/restriction requirement in the above-identified Office Action. Pursuant to the restriction/election requirement, Applicants hereby elect the invention as claimed in Group I, claims 1-8 and 17-29.

Claims 1, 17, 22, 34 and 36 have been amended to more clearly indicate that each jaspe agglomerated particle of the first and second pluralities of jaspe agglomerated particles comprises a first particle having a first visual characteristic and a second particle having a second visual characteristic different than the visual characteristic of the first particle. A blend is formed from and comprises the first plurality of jaspe agglomerated particles. The blend is consolidated to form a consolidated layer. The claimed sheet comprises the consolidated layer. Support for the amendments is found at page 3, lines 8 and 9; page 7, lines 12 to 19; and Examples 1 to 3 on pages 8 to 10, wherein the single colored particles were made (Example 1); the jaspe agglomerated particles were made from the single colored particles (Example 2); and jaspe sheets were formed (Example 3).

Claims 1, 2, 6, 7, 10, 14 and 15 have been amended to improve clarity by substituting "plurality of particles" for "regions." Since the jaspe agglomerated particles referred to in the claims have not yet been consolidated, the jaspe agglomerated particles comprise particles having different visual characteristics rather than regions of different visual characteristics, which result when the jaspe agglomerated particles are consolidated. Support is found at page 6, lines 19 to 22, for example.

The other claims have been amended to improve definiteness and clarity.

Claims 40-43 have been added to more definitely describe the invention. Support for these claims is found in the attached declaration of Richard Balmer. The labyrinthine interface between the consolidated jaspe agglomerated particles is inherent. When the jaspe agglomerated particles are consolidated, the individual particles forming the agglomerated particle melt and flow, filling the interstices between the agglomerated particles. When the jaspe chips of the prior art are consolidated, the surfaces of the previously consolidated and cut chips soften and fuse, but do not flow, resulting in a sharper appearing interface.

Claims 44-47 have been added to more definitely describe the invention. Support for these claims is found at page 6, lines 19 to 22.

Claims 9 and 34 have been amended to depend, directly or indirectly, on claim 1. Therefore they should be allowed upon allowance of claim 1. Since original claims 9 and 34 are no longer independent, but depend, directly or indirectly on claim 1, it is respectfully requested that the restriction requirement be withdrawn.

Applicants submit that the amended claims have removed the basis for the restriction requirement, that all of the claims should be examined and that all of the

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claims are in a condition for allowance. Therefore, early consideration and allowance are respectfully requested.

Respectfully submitted,

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Date

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